



**TOWN OF MAMMOTH
MINUTES OF A REGULAR MEETING
OF THE MAMMOTH TOWN COUNCIL
March 18, 2021**

**These are the Minutes of a Regular Meeting held by the Mammoth Town Council
On March 18, 2021 pursuant to the notice required by Law.**

Due to the COVID-19 Virus and our efforts to slow the spread, and to keep all members and attendees safe in this time of crisis. We require that all those in attendance are Masked and adhering to Social Distancing Measures.

- 1. CALL TO ORDER** – This meeting was called to order at 7:12 PM Mayor Armenta.
- 2. PLEDGE OF ALLEGIANCE** Alvaro Barcelo
- 3. ROLL CALL**

PRESENT MEMBERS

Mayor Armenta
Vice Mayor Martinez
Councilman Bustamante
Councilman Martinez
Councilman Adams
Councilman Brewer

PRESENT STAFF

Attorney S Cooper
Town Manager J. Schempf
Town Clerk A. Sanchez
Police Chief R Lujan
Town Recorder S. Christiansen
Public Works, William Hernandez

ABSENT MEMBERS

- 4. CALL TO THE PUBLIC** Clifford Dickson

Mr. Dickson provided a brief history of the Town and discussed the need to eliminate the food tax citing that it puts added stress on local businesses. He also expressed concern regarding the condition of the town and the need for a town wide clean up. He cited low property values and decreased tax revenue as a result of the towns deteriorating condition. Mr. Dickson also expressed concern that a resident in his neighborhood is running a commercial business from a residential home. He also suggested the Town should choose an oversight committee to help with the upcoming water project.

Vice Mayor Martinez responded by explaining that the Council together with the Planning and Zoning Board have taken steps to enforce the town's zoning ordinances; by hiring a building inspector to assist with condemnations and help enforce ordinances. She also explained that those property owners would be fined, which will be revenue for the town. If necessary, the town will clean properties in violation and charge the property owners or place a lien on the property. She stated Council realizes there is a problem and are working to address it, but we all need to work together to bring these properties under control.

Councilman Bustamante expressed that the council is reviewing the food tax and will make a decision when the time is right. He stated that it is his opinion that the Town should not be taxing food.

Handicapped individuals with special accessibility needs may contact the ADA Coordinator for the Town of Mammoth at (520) 487-2331 (V/TDD)

5. CONSENT AGENDA

- A. Staff Recommendations and Reports
 - Town Clerk/Treasure Report
 - Police Report
 - Public Works Report
 - Library Report
 - Planning and Zoning Report
 - Town Managers Report

Vice Mayor Martinez made a motion to approve the consent agenda pulling the Police, Public Works and Managers Reports for presentation. The motion was seconded by Councilman Martinez.

POLICE REPORT-CHIEF LUJAN-Statistical Report for February 1-28, 2021

For the month of February there were 71 complaints, 2 adult arrests, 4 traffic citations, 1 written warning, 4 verbal warning and no loose dogs. FYI the animal that bit Officer Green was not a loose dog and it had bit another person, ambulance personnel. It was finally picked up and the owner was provided a bill. Also we had 1- accident (involving town car), 20 ambulance requests, 1 animal call, 2 arrests, 1 assault, 3 agency assists, 4 attempt to locates, 1 bond out, 7 citizen/public assists, 2 civil standbys, 2 criminal damages, 3 disturbances, 2 domestic violence's, 1 fire call, 3 harassment calls, 1 house watch, 1 juvenile complaint, 2 loud music complaints, 2 neighbor disputes, 1 special detail (funeral escort), 7 suspicious activity calls, 1 theft, 8 traffic enforcement calls, 1- 911 hang-up call, 2- 911 open line calls and 20 total calls for the Mammoth Fire Department.

Councilman Brewer asked who investigated the accident. Chief Lujan explained it was on Highway 77, so it was the DPS jurisdiction. Vice Mayor Martinez asked if he were given an estimate and if we could find out how much the insurance company wants for the vehicle so we could possibly buy the vehicle back to use for parts? Chief explained the main damage was the airbag which is expensive to replace. He stated there was also damage to the right front fender and the light and the damage was more than the vehicle was worth. The mayor asked about the condition of the SUV, Chief explained it has a hole in the radiator and is being fixed.

Vice Mayor Martinez made a motion to accept the Police report and it was second by Councilman Martinez. Motion Passed Vote 6-0

PUBLIC WORKS REPORT-B HERNANDEZ- Report for February 2021

Mr. Hernandez stated that from the last meeting until yesterday there has been 10 funerals and a big water leak on February 26th at Bluebird and Catalina which cost approximately \$3,200 to repair. We had a broken sewer line at Hollywood and Hwy 77. New Flow came from Phoenix to fix it. We decided to close the dump because citizens were dumping personal trash. Now you must call for an appointment. Mr. Hernandez stated ADEQ came out for tank #2 so the new pressure tank is online. He stated they are working to identify the lines and make the necessary repairs. The residents have water, it is not authorized for drinking, but we are providing drinking water. He stated they are still working to resolve the problem. Mr. Hernandez explained that the Public Works staff worked a funeral and there were people in attendance who had Covid. Staff was worried and would like to know if the council could limit funerals to 50 people. He stated that many of the people attending were not wearing masks. Vice Mayor suggested that staff in the office should stress to funeral customers that they must wear a mask.

Vice Mayor Martinez made a motion to accept the Public Works report and it was second by Councilman Martinez. Motion Passed Vote 6-0

TOWN MANAGERS REPORT-J SCHEMPF-Manager Report for February 2021

The Town Manager explained that the CDBG application was due in by March 10th, and they already had the booster pump project on the list. He stated he made an agreement to add the 4 parks as one project. It will include lighting and equipment. He stated he consulted Harry Clark and they agreed that it would not be cost effective to install LED lighting. We should be able to provide lighting in all the parks. He stated he wanted to replace the wooden bleachers with metal ones, but they must be ADA compliant. He stated he believes the town should be able to complete both projects for the \$65,000. As for the Water Project, he stated we were denied the loan by the Bank of Colorado because they did not like our financial situation. The Town Manager stated he did find another source for the bridge loan, but they would only loan the town \$500,000 and it will be paid off as soon as we are ready to go out to bid. The Town Manager stated he was able to get the USDA to agree that any additional engineering costs which will come from the grant. He stated they are meeting weekly on the water project.

Vice Mayor Martinez asked for clarification on which parks were going to get lighting? The Clerk explained that we will add lighting to Ysidro Ruiz Park, the play area at the Little League Field, and at the park above the swimming pool. The Town Manager stated we will also be replacing the wooden bleachers at the Little League and Softball fields. He stressed that we are not adding bleachers just replacing the old sets. Vice Mayor Martinez asked for clarification on the bridge loan for the water project. The Manager explained that this loan is in addition to the original \$500,000 loan which was required by grant as matching funds. However, this loan is to pay for the engineering until the actual grant funds are disbursed and will be paid back as soon as we receive the funding.

B. APPROVE ACCOUNTS PAYABLE For Payment and Filing

C. APPROVAL OF MEETING MINUTES Regular Meeting February 18, 2021

Vice Mayor Martinez made a motion to accept the Public Works report and it was second by Councilman Martinez. Motion Passed Vote 6-0

Vice Mayor asked for the minutes to be pulled to correct errors as follows: under Old Business 6A it should reflect that Councilman Adams made the motion and it was seconded by Councilman Martinez. Also, item G, should reflect that Councilman Adams made the motion and it was seconded by Councilman Martinez. Additionally, there are no Mayor or Council comments, this is important because Vice Mayor Martinez made comment that the animal control should not be listed in the police department budget and that it should be coming out of the Town Hall budget. Also directing staff to explore a joint Animal control officer with neighboring communities which was already on the agenda. She stated the council directed staff to explore moving that fund out of the police department budget, which was also not reflected in the minute nor was it moved or put on the agenda for council to vote on or it. Sharon explained she had been hospitalized and that the minutes were skeletonized as a result. She assured council that the correction would be made for next meeting.

Councilman Bustamante made a motion to approve as amended and was seconded by Councilman Martinez. Passed 6-0.

Roll Call Vote

Mayor Armenta	YES	Vice Mayor Martinez	YES
Councilman Bustamante	YES	Councilman Adams	YES
Councilman Martinez	YES	Councilman Brewer	YES

Motion Passed Vote 6-0

6. OLD BUSINESS

- A. Consideration and Possible Approval of Amendment to Ordinance 14-27-12-5 to Change the Definition of Abandoned Vehicles by Adding the Following: “It shall be presumed the vehicle or part thereof is “abandoned” or is a “junk vehicle” if any of the following conditions exist for more than three (3) consecutive days: The vehicle does not have a current, fully paid registration from the State of Arizona. It is a partially or wholly dismantled vehicle. Cars, Trucks, ATV’s, RV’s, Golf Carts, are all considered to be vehicles.

This Code shall apply to a limit of two (2) non-working vehicles. Three (3) plus vehicles of a non-working status shall constitute a salvage or junk yard and is not allowed in the residential areas of Mammoth.

Councilman Brewer and Adams expressed concern with the limit of 3 days in the amendment. Sharon with Planning and Zoning explained that this is only an addition, and that the original ordinance allows 30 days if it is a working vehicle which is being repaired. Mayor Armenta explained that we have an issue with abandon vehicles and the amendment is necessary. Vice Mayor Martinez explained that this is only for abandon vehicles. Legal Counsel clarified by reading the existing ordinance section being amended. Legal Counsel explained the amendment is only to address abandon vehicles and to get them repaired or moved. Councilman Brewer expressed his continued concern with the 3 days.

Vice Mayor Martinez made a motion to approve the amendment with changes that states if the vehicles are being actively repaired the limit will be extended to 30 days and was seconded by Councilman Adams. Motion Passed Vote 6-0.

- B. Consideration and Possible Approval of Amending or Rescinding the 03-25-2020 Town Council Special Meeting Agenda Item B – Closure of Town Building and Item C – Moratorium on Utility Disconnects and Other Fees.

Town Clerk explained that she had requested this item, because the Town currently has water arrearages in excess of \$17,000 as a result of the moratorium. She explained that now is an ideal time to remove the moratorium on water shut offs and late fees, because residents will have additional revenues due to stimulus payments. If the council does not act now the arrearages will grow to thousands of dollars and residents will have no way to pay. In addition, staff is working with CAHRA to set up a day to come and assist residents with utilities. This will provide the residents an incentive to bring their accounts up to date and they must have a shut-off notice to qualify for the utility assistance. Staff would like to put the notice on the next bill. The Mayor asked that the notice be in English and Spanish.

Vice Mayor Martinez explained that the Police Department and Library should be open, but we should hold off on finger printing until May. We should also only open the front door. With regards to the Library the door should not be locked, we can put a sign on the door that customers must wait to limit capacity.

Vice Mayor Martinez made a motion to open Police Department on March 22nd, postponing fingerprinting until May with back offices locked and opening the Library with doors unlocked effective April 6th. Seconded by Councilman Adams. Vote passed 6-0.

Vice Mayor Martinez made a motion to lift the moratorium on disconnects and fees effective May 1st and was seconded by Councilman Adams. Motion Passed Vote 6-0.

Town Manager explained that the Community Center is still closed, and it should remain so due to Covid and the risk with large crowds in doors. Vice Mayor Martinez made a motion to Open the Community Center limiting parties to no more than 50 and that they pay a sanitization fee on top of the hourly rate effective April 15th. Mayor asked for a second no second. The council agreed to wait until the next meeting and Vice Mayor Martinez withdrew her motion. Vice Mayor Martinez made a motion to table item tabled with direction for staff to research the cost of sanitization and seconded by Councilman Martinez. Motion Passed Vote 6-0.

7. NEW BUSINESS

- A. Ratify Town of Mammoth Mayor and Town Attorney Signing the Intergovernmental Agreement with The Mammoth-San Manuel Unified School District No. 8.

Vice Mayor Martinez made a motion to Ratify the IGA Approval and Signatures and seconded by Councilman Martinez. Motion Passed Vote 6-0.

- B. Consideration and Approval of Accepting Councilman Alvaro Anaya's Resignation

Vice Mayor Martinez made a motion to Accept Resignation of Mr. Alvaro Anaya and seconded by Councilman Martinez. Motion Passed Vote 6-0.

Mayor Armenta asked that a certificate be made for Councilman Anaya and former mayor for their years of service. Vice Mayor Martinez asked that in the future when something of this nature happens that the council is notified so that they do not have to hear it from someone on the street or learn about it in the newspaper.

- C. Consideration and Possible Action to Fill the Vacant Council Position.

Councilman Brewer asked how many applicants we have for the position. It was confirmed that there were three letters of interest submitted according to the Town Manager. Councilman Brewer suggested the council go into executive session to discuss the matter and then interview the applicants together. Vice Mayor Martinez explained that an executive session was not posted for this item therefore they could not go into executive session. She also stated that she feels the appointment process should be revisited, because the position should go to the person who had the next highest number of votes in the election. Vice Mayor Martinez explained that she did reach out to Eric Romero, but he could not serve with his work schedule. The person with next highest votes was Mr. Barcelo so she suggested he apply. He did apply and is present. Legal Counsel explained that the

council can go into executive session for legal advice, but they cannot go into executive session to interview applicants. Mayor Armenta explained that if the other applicants were interested, they should have been present.

Councilman Adams made a motion to table the item until next month and direct staff to post it in the newspaper and website for an additional two weeks and was seconded by Councilman Brewer.

Roll Call Vote

Mayor Armenta	YES	Vice Mayor Martinez	NO
Councilman Bustamante	YES	Councilman Adams	NO
Councilman Martinez	YES	Councilman Brewer	YES

Motion Passed Vote 4-2

D. Consideration and Possible Approval of Amendment to Personnel Policy, Section 31 – L.

Motion is: Amendment to Bereavement Leave by adding to second paragraph to read “grandparent, step-grandparent and grandchild”.

Vice Mayor Martinez explained that she asked for this item to be on the agenda because Mammoth is a multigenerational community and we have family members such as grandparents, step-grandparents and grandparents in-law who should be considered. Not providing bereavement for these family members is taking away their right to grieve.

Vice Mayor Martinez made a motion to amend the bereavement leave policy to include grandparent’s in-law and grandchildren in-law and step-grandparents in-law. The motion was seconded by Councilman Martinez. Motion passed 6-0.

E. Consideration and Possible Approval of Directing Staff to Explore Joint Action with Kearny and Superior to Provide Animal Control Services to Our Respective Communities.

Vice Mayor Martinez explained that she asked for this item to be on the agenda because Mammoth has an issue with at-large animals, and we have no animal control officer. She suggested that council direct staff to contact neighboring towns to inquire if they are interested in partnering with us to hire an animal control officer to share the cost. Councilman Brewer asked about the charge for animal control to respond to a call in Mammoth. The Town Clerk explained that she had spoken with Pinal County Animal Control regarding our agreement with Pinal County. She explained that the IGA had expired, and the charges were as follows: Travel time, wages, milage, impound fees of \$35 for day 1 and \$15 for days 2 & 3 and then county picks up. Also, if it is on weekends all the rates go up. She also stated that in 2019 there were 11 calls, 9 call in 2020 and so far for 2021 we have had 5 calls. Vice Mayor Martinez stated that she felt the number of calls were much more than reported. The Town Clerk also explained that some towns have a flat fee schedule, which we can consider. Councilman Brewer agreed that we have a problem with dogs at-large and that we should be citing the owners. Vice Mayor Martinez expressed concern about enforcement and that we are working on an ordinance and fines. The clerk explained that we could do a combination of the officer and a flat fee to address the problem. She also explained that residents are not licensing their animals, so we do not know if the animals have vaccination and do not know who to fine for at-large dogs. Vice Mayor Martinez suggested we ask Animal Control to hold a clinic in Mammoth.

Councilman Bustamante made a motion to direct staff to explore joint action with Kearny and Superior to provide animal control services and was seconded by Vice Mayor Martinez. Motion Passed 6-0

F. Consideration and Possible Approval of Amendment to Town of Mammoth Ordinance 199.02 AMENDING SECTION 2.04.030, VACANCIES IN COUNCIL TO THE MAMMOTH TOWN CODE Item 8 to Read:

“Ceasing to attend Town Council meetings in person for two consecutive meetings. This section shall not apply if the Councilman(s) has furnished a written statement from a physician, physician assistant or nurse practitioner attesting that the personal absence from a Council meeting is medically advisable or necessary;”

Councilman Adams made a motion to accept the amendment. Councilman Brewer expressed concern about the amendment and asked it to be changed to three meetings. Vice Mayor Martinez explained that this was primarily because council members were only attending by phone. Mayor Armenta expressed that if you are elected to serve on the council that you should be present. Councilman Brewer expressed concerns about being on vacation. Legal counsel explained that if you are on vacation, you can submit a letter to be excused from the meeting. Councilman Bustamante stated that he feels this is a reasonable amendment. Motion seconded by Councilman Martinez. Motion passed 6-0.

Mayor Armenta made a motion to recess for five minutes before Budget Discussion and it was seconded by Vice Mayor Martinez. Motion passed 6-0.

Mayor Armenta called meeting back into session.

G. FY 2021 – FY2022 Budget Discussion

The Town Clerk explained that in the past the council and staff had minimal input in the budget process which is why there has budgeting issues in the past. Staff wants to meet with council and department heads to track the current budget, discuss budget issues, priorities and funding for the future. The council was provided a budget calendar with key dates and budget requirements highlighted. Current budget status, the draft audit for FY20 was received and there were items from 2015 and 2018 which had never been addressed. Staff has addressed these issues and provided responses to each audit concern. Clerk explained that ss of FY19 we owed \$216,415 to excise tax, According to the Attorney General we must spend that money on roads within this fiscal year. The Clerk explained that was staff was able to get the Attorney General to agree to deduct \$92,980 that was spent in FY20 from the total owed. The Town currently owes \$123,435 to excise tax. The Town received \$193,679 from the Cares Act which must be spent on Covid related issues. Staff has transferred those funds to the Police Department salaries budget because they have been enforcing our mandatory mask policy. We can utilize those general funds we had marked for PD salaries to repay our excise tax debt. Our issue is that we do not want to pave roads and then must tear them up to put in the new water system. AG’s office has agreed to work with us. Unfortunately, the state is withholding the towns’ excise tax monies until the balance is expended. Currently the state is holding \$42,500 and counting, it most likely will not be released until Fall of 2022 after the 2021 audit is complete. The Towns current liabilities are Excise Balance of \$123,435 (which must be expended by 6/30/21), HURF balance \$818,000 and utility overcharge for 516 water customers which is \$76,158.95 for a total owed of \$1,017,593.95.

Financial statements present by Clerk with budgeted and the year-to-date actuals for the revenue and expenditures. She explained that the water fund is way over budget because it has been caring

most of the salaries. The sewer fund is also over, but the cemetery is not and we unable to determined what our enterprise funds are costing due to our account structure.

The Town Manager explained that most of the salaries come out of the water fund because we have no Public Works budget. He stated that staff is working to ensure the upcoming budget cycle will be a much more accurate accounting of our funds and believes we can work together to resolve these problems. Staff asked for any questions from the Council regarding the presentation.

Mayor Armenta asked how staff found out that there were overcharges for the water. Staff explained that the independent auditor informed us of the debt. Mayor Armenta asked about the disposal yard and what we do with the stuff and where does the money go for the mental scrap? She also asked about the Waste Management Dumpster. The Town Manger stated he would find out about the revenue for the scrap metal, and he would contact Waste Management to pick up the dumpster.

Vice Mayor Martinez stated that she feels the food tax is hurting the businesses in the town and that it was only supposed to be for one year. She discussed cutting unnecessary expenses, stop paying outside help for tasks that current staff should be doing, and reassign positions in order to cut the budget. We must find a way to get rid of the food. Staff assured the Council that removing the food tax is our number one priority. Staff stated that we should not make decisions before we know where we are at with the budget. Councilmen Bustamonte expressed disagreement with the food tax.

Vice Mayor Martinez asked if staff had found out anything about the funds for the stimulus from the County? The Town Manger stated we have not received those funds and we most likely will not receive them until the next fiscal year, but there are stipulations on how it can be spent.

The Town Clerk asked the Council if they wanted to move the discussion for Capital improvement projects (CIP), 5-year plan and update the general plan for next meeting for time purposes. All council agreed. The next study session scheduled on April 15, 2021.

9. Mayor and Council Comments

Councilman Martinez asked about when we are planning to reopen the pool and if the Sea Lions will be able to use the pool. Vice Mayor Martinez asked if we could contact the Sea Lions and see if we can work with them. Staff stated we are working on getting the pool ready and will contact the team representatives.

Councilman Bustamante stated he would like to see some sort of aquatic project. Councilman Bustamante stated we need a cross walk over Hwy 77 since the sidewalk is on the opposite side as the business. Staff stated that we must discuss that with ADOT, and we will add that to the list.

Councilman Brewer stated that he did not receive a phone call regarding his agenda packet. He stated he did not feel that the dispatcher should be taking care of agenda packets. Staff agreed to contact Councilmen Brewer and Martinez by phone when the packets are ready.

Councilman Adams expressed his concern over the food tax and would like to see it removed as soon as possible. He feels the people are disheartened by the extended tax because it was supposed to be only for one year. Councilman Adams expressed a desire to get the school back for the kids in the town. He also stated that we need to have some advertising on the highway from the ADOT to help the local businesses.

Vice Mayor Martinez thanked staff for getting the council packet online. She stated the council packet was not put together well and felt information was withheld such as letters of intent so council could not make a decision. She also stated that she was upset because she has asked repeatedly for staff to provide information on all checks over \$1,000. Staff stated they will make sure the financial statement include descriptions in the future.

Louise from the market stated that the Manager and Clerk came to visit him to fill out an application and it was the first time in 5 years anyone from the town had come to visit him. He stated he is confident the town will work together to find solutions to our problems.

Mayor Armenta requested a meeting for Monday at 4PM to do a 6-month evaluation for the Town Manager.

Mayor Armenta asked for motion to end the meeting.

10. **Adjourn**

Motion is to adjourn meeting at 10:15 PM

Motion by: Vice Mayor Martinez Second by: Councilman Adams

Motion Passed Vote 6-0

I certify that the preceding is a true and correct copy of the Town of Mammoth Council Meeting held March 18, 2021. I further certify that the meeting was duly called and held.

Angela Sanchez, Town Clerk